

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

---

S&S INNOVATIONS CORP.,

Plaintiff,

Hon. Paul L. Maloney

v.

Case No. 1:18-cv-1377

UUSI, LLC, et al.,

Defendants,

---

**ORDER**

This matter is before the Court on an order to show cause (ECF No. 46) why Defendants' counsel should not be held in contempt or otherwise sanctioned for failing to appear at two previous hearings: a July 27, 2020, hearing regarding Plaintiff's motion to compel (ECF No. 37); and an August 10, 2020, show-cause hearing (ECF No. 44). Also, before the Court is Plaintiff's pending unopposed motion to compel initial disclosures (ECF No. 37), Plaintiff's application for default (ECF No. 34) and Plaintiff's unopposed motion to adjourn expert reports deadline (ECF No. 47). The Court conducted a hearing today on all these matters, at which counsel for all parties appeared.

The Court accepts Defendant counsel's explanations for his prior failure to appear. The Court must, however, award to Plaintiff the costs of its counsel's attendance at the hearings on July 27, 2020, and August 10, 2020.

Having considered the parties' oral and written submissions, and for the reasons stated on the record, Plaintiff's unopposed motion to compel (ECF No. 37) is **GRANTED**, Plaintiff's application for default (ECF No. 34) is **SET ASIDE**, and Plaintiff's unopposed motion to adjourn expert reports (ECF No. 47) deadlines is **GRANTED**.

Accordingly,

**IT IS ORDERED** that Defendant shall, within seven days of the date of this Order, produce its initial disclosures, as required by Federal Rule of Civil Procedure 26(a)(1) and the Case Management Order (ECF No. 28).

**IT IS FURTHER ORDERED** that Plaintiff shall, within fourteen days of the date of this Order, file a petition for reasonable costs, including attorneys' fees, to include the following:

1. Plaintiff's costs in drafting and filing the motion to compel (ECF No. 37);
2. Plaintiff counsel's travel and appearance at the July 27, 2020, hearing;
3. Plaintiff counsel's travel and appearance at the August 10, 2020, hearing; and
4. Plaintiff counsel's travel and appearance at today's hearing.

**IT IS SO ORDERED.**

Date: August 18, 2020

/s/ Phillip J. Green  
PHILLIP J. GREEN  
United States Magistrate Judge